

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 20, 2015
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Committee Room located on the second floor at 101 City Hall Plaza with the following members present: Mayor William V. “Bill” Bell, Mayor Pro-Tempore Cora Cole-McFadden and Council Members Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Excused Absence: Council Member Eugene Brown.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Dianalynn Schreiber.

Mayor Bell called the meeting to order with a moment of silent meditation followed by the Pledge of Allegiance led by Council Member Davis.

Mayor Bell acknowledged that Council Member Brown had been previously excused from the April 20th council meeting.

[CEREMONIAL ITEMS]

Mayor Bell introduced and read the proclamation announcing the Crime Victims’ Rights Week; presented the proclamation to Lt. April Browne, Assistant Commander of the Community Services Bureau, of the Durham Police Department.

Lt. Browne thanked Council Member Eddie Davis for his support; introduced support staff attending the meeting consisting of Sergeant Ochman and Deputy Chief Rush; announced activities highlighting Victims’ Rights Week at North Carolina Central University and local churches; and thanked Council for the proclamation.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Bell asked if there were any announcements by Council. There were no announcements.

[PRIORITY ITEMS]

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk.

City Manager Bonfield announced the upcoming retirement of General Services Director Joel Reitzer; wished him well and expressed appreciation for Mr. Reitzer’s achievements with the City of Durham; stated that Mr. Reitzer successfully guided many significant projects such as the Durham Bulls Park Renovation, the Durham Convention Center Renovation; the Carolina Theater Renovation; and acknowledged that Mr. Reitzer’s efforts made Durham a better community.

Mr. Reitzer responded that he sincerely enjoyed his tenure with the City of Durham; stated that the General Services staff was very competent; and in his absence he was confident the staff would continue to get things done.

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The City Attorney and City Clerk responded that they had no priority items.

Mayor Bell explained that the consent agenda was approved with a single motion and items pulled from the agenda by any citizen or council member would be discussed at the end of the agenda.

Mayor Bell read each item and acknowledged that there were no requests to pull items from the consent agenda.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to approve the Consent Agenda was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to approve the City Council Minutes for the Joint Meeting with Durham Housing Authority on February 24, 2015 and the regular City Council Meeting on March 2, 2015 was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

SUBJECT: HOUSING APPEALS BOARD - APPOINTMENT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to appoint Vanessa O'Neal to the Housing Appeals Board as an Alternate Member representing At-Large with the term expiring on June 30, 2015 was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

SUBJECT: DURHAM CITY-COUNTY ENVIRONMENTAL AFFAIRS BOARD - APPOINTMENTS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to reappoint Elizabeth Chan (representing Water Resources) and to appoint Nancy LaPlaca (representing Energy) and Mark Koegel (representing Solid Waste) to the Durham City-County Environmental Affairs Board with the terms expiring on June 1, 2018 was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

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**SUBJECT: MAYOR'S NOMINEE FOR APPOINTMENT - PASSENGER VEHICLE
FOR HIRE COMMISSION**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to appoint Evan Foote-Hudson to the Passenger Vehicle for Hire Commission as a Mayor's Appointee representing Visitor's Industry with the term to expire on January 1, 2016 was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

**SUBJECT: RENEWAL OF THE DURHAM CITY/COUNTY INTERLOCAL
COOPERATION AGREEMENT FOR PLANNING**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to approve the Durham City/County Interlocal Cooperation Agreement for Planning was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

**SUBJECT: ADMINISTRATIVE INTERPRETATION OF NEUSE/JORDAN LAKE
PROTECTED AREA (F/J-B)**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the Planning Director to seek approval from the North Carolina Environmental Management Commission (EMC) for interpretation of the F/J-B boundary was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

**SUBJECT: INTER-LOCAL AGREEMENT WITH DURHAM COUNTY
REAUTHORIZING THE DURHAM BICYCLE AND PEDESTRIAN
ADVISORY COMMISSION**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to execute the Inter-local Cooperation Agreement with Durham County to reauthorize the Durham Bicycle and Pedestrian Advisory Commission was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

**SUBJECT: ALSTON AVENUE BRIDGE REPLACEMENT MUNICIPAL
AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION**

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MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to execute the Alston Avenue Bridge Replacement Municipal Agreement with the North Carolina Department of Transportation at an estimated cost of \$11,000.00 was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

**SUBJECT: SECOND AMENDMENT TO THE HILLANDALE GOLF COURSE
MANAGEMENT AGREEMENT BETWEEN THE CITY OF DURHAM AND
AMERAZIL GOLF, LLC**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to execute the second amendment to the Hillandale Golf Course Management Agreement by and between the City of Durham and Amerazil Golf, LLC was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

**SUBJECT: TWIN LAKES PARK SITE IMPROVEMENTS CONTRACT WITH D.W.
WARD CONSTRUCTION COMPANY, INC.**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to execute a construction contract for the Twin Lakes Park Site Improvements project with D.W. Ward Construction Company, Inc. in the amount of \$443,315.00 that includes the base bid and the recommended alternate;

To establish a project contingency in the amount of \$40,000.00; and

To authorize the City Manager to negotiate and execute change orders on the Twin Lakes Park Site Improvements contract, provided the total project cost does not exceed the amount budgeted for the construction phase plus the project contingency was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

**SUBJECT: CHANGE ORDER TO ADDRESS MODIFICATIONS TO THE MASONRY
SCOPE OF WORK FOR 400 CLEVELAND STREET ROOF AND
ENVELOPE RENOVATIONS CONTRACT WITH L.A. DOWNEY AND
SON, INC.**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to execute a change order to the construction contract for the 400 Cleveland Street Roof and Envelope Renovations project with L.A. Downey and Son, Inc. in the amount of \$105,898.00 so that the total contract amount will not exceed \$603,212.00; and

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To restore the project contingency to 10% of the total construction contract amount, for a contingency of \$60,300.00; and

To authorize the City Manager to negotiate and execute change orders on 400 Cleveland Street Roof and Envelope Renovations construction contract provided the total project cost does not exceed \$663,512.00 was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

**SUBJECT: UTILITY EXTENSION AGREEMENT (WATER ONLY) WITH
CHRISTINE G. JONES, INDIVIDUAL, TO SERVE 7817 FARRINGTON
MILL ROAD**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Schewel, to authorize the City Manager to enter into a utility extension agreement with Christine G. Jones, Individual, to serve 7817 Farrington Mill Road (water only) was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

The City Council disposed of the following agenda items at the April 9, 2015 Work Session:

5. Durham Bicycle and Pedestrian Advisory Commission - Appointment

(This item was referred back to the City Clerk's Office to Re-advertise)

17. John "Giovanni" Tarantino

(Comments were received at the 04-09-15 Work Session)

18. James Chavis

(Comments were received at the 04-09-15 Work Session)

19. Theresa Cameron

(Comments were received at the 04-09-15 Work Session)

20. Reginald Leslie

(Comments were received at the 04-09-15 Work Session)

21. Gwyn Silver

(Comments were received at the 04-09-15 Work Session)

22. Stephen Hopkins

(Comments were received at the 04-09-15 Work Session)

**23. Introduction of Dr. A. Eugene Washington, Chancellor for Health Affairs and
President and Chief Executive Officer of the Duke University Health System**

(Comments were received at the 04-09-15 Work Session)

24. Poverty Reduction Initiative Update – Finance Task Force
(An update was received at the 04-09-15 Work Session)

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: ZONING MAP CHANGE - SOUTHSIDE EAST PHASE 2 AND 3 (Z1400034)

Assistant Planning Director Patrick Young gave the following presentation stating Zoning Case Z1400034, Southside East Phases 2 & 3 was a request to change the zoning designation of 10.70 acres located at 2 Poinciana Drive its current zoning designation of Planned Development Residential (or PDR) 5.120 to Residential Urban - Multifamily with a development plan to allow for the development of up to 150 residential units; the application included a request for a parking reduction, proposing to provide 1.2 parking spaces per unit rather than the standard requirement of two parking spaces per unit; the parking reduction request had been reviewed by the City Transportation Department which found that the applicant had provided sufficient information to support the request and the information was included in the staff report for the item; stated the development plan associated with the request included commitments greater than ordinance standards; stated the item included the provision of a bus stop or shelter along with several other text and graphic commitments identified in the staff report; indicated that staff determined the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and concluded that the Planning Commission recommended approval on March 10, 2015 by a vote of 12-0.

Mayor Bell opened the public hearing.

Council Member Catotti requested clarification on the Bicycle and Pedestrian Advisory Commission's comments regarding bike lanes; referenced modification of wheelchair ramps/handicapped accessibility, and the installation of pedestrian pushbuttons/signals along Roxboro/Lakewood Connector/Mangum Streets; and inquired about the responsible party to fund the improvements.

Bill Judge, Transportation Engineer, noted that pedestrian signals were included in the FY2015-2016 capital improvement project; and confirmed that both projects were funded primarily with 100% city funds, of which, a portion may be reimbursed by the State for the signal-work.

Council Member Moffitt inquired about a memo referencing a bike maintenance repair station; requested clarification from the applicant about proffering to install such a repair station without committing to a location; and requested the applicant clarify.

Patrick Young, of the Planning Department, consulted with Transportation staff and confirmed that if a commitment was made, that it be done on the site rather than in the public right-of-way.

The applicant confirmed the proffer to install a bike maintenance repair station at the site and that the location would be decided upon at a later date.

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Council Member Moffitt expressed appreciation to Community Development Director Reginald Johnson for his memo which provided thorough responses to Council's inquiries.

Being no additional speakers, Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400034 out of Planned Development Residential 5.120 (PDR 5.120) and placing same in and establishing same as Residential Urban – Multifamily with a development plan (RU-M(D)) was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

ORDINANCE #14734

MOTION by Council Member Catotti, seconded by Council Member Schewel, to adopt a consistency statement as required by GS 160A-383 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

Unified Development Ordinance
Zoning Map Change Consistency Statement
By the Durham City Council
Regarding Z1400034, Southside East Phase 2 & 3

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, was required to approve a statement describing whether or not the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, was required to provide a brief statement indicating whether or not the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1400034, Southside East Phase 2 & 3, is based upon review of the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the staff report and associated documents submitted to the City Council, and the information provided through the public hearing.

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SUBJECT: STREET CLOSING - CHADRON STREET (SC1400012), MATTERHORN ROAD (SC1400013), CONVERSE PLACE (SC1400014), KENTINGTON DRIVE (SC1400015), CHANTICLEER DRIVE (SC1400016)

Assistant Planning Director Patrick Young gave the following remarks regarding the Hendrick Automotive Group's request to close approximately 5,799 linear feet of five (5) public streets located within the former Kentington Heights subdivision, located on property under the control of Hendrick Automotive Group; indicated the details were in the staff report; and stated that if the request was approved, the rights-of-way were proposed to be recombined with the adjacent properties and incorporated into proposed auto sales and associated uses approved under recent zoning cases and annexation of the property by the City.

Mayor Bell opened the public hearing.

Mayor Bell stated there were no speakers to the item and closed the public hearing.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Moffitt, to adopt an order permanently closing 600 linear feet of Chadron Road, 1,661 linear feet of Matterhorn Road, 295 linear feet of Converse Place, 2,087 linear feet of Kentington Drive and 1,156 linear feet of Chanticleer Drive was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

ORDINANCE #14735

SUBJECT: PUBLIC HEARING ON THE APPROVAL OF THE DRAFT 2015-2020 CONSOLIDATED PLAN/2015- 2016 ANNUAL ACTION PLAN AND 2015-2020 ANALYSIS OF IMPEDIMENTS

Director of Community Development Reginald Johnson stated the public hearing was required by U.S. Department of HUD (Housing of Urban Development); and deferred to Federal Programs Coordinator Wilmur Conyers for presentation.

Ms. Conyers stated the purpose of the public hearing was to receive citizens' comments on the Draft 2015-2020 Consolidated Plan/2015-2016 Annual Action Plan and 2015-2020 Analysis of Impediments. The Consolidated Plan/Annual Action Plan specified how the City of Durham would address housing and community development needs for the next five years through the use of Community Development Block Grant (CDBG), HOME Investment Partnership Program Consortium funds, Emergency Solution Grant (ESG) funds, and Housing Opportunities for People With AIDS (HOPWA). For FY15-16, the City expects to receive \$1,807,500 in CDBG funds, \$776,323 in HOME Consortium funds, \$160,046 in ESG funds, and \$282,206 in HOPWA funds from the U.S Department of Housing and Urban Development. The Draft Consolidated Plan/Annual Action Plan and Analysis of Impediments were made available for public review from March 19, 2015 through April 20, 2015. The Plans and AI (Analysis of Impediments) were developed with the assistance of Urban Design Ventures of Homestead, Pennsylvania. Notice of the meeting was advertised in the *Herald Sun*, the *Carolina Times*, and *Que Pasa* newspapers and

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also via the general list serve. As a recipient of CDBG, HOME, ESG, and HOPWA funds, the City was required to hold at least two public meetings prior to the submission of the Five-Year Consolidated Plan/Annual Action Plan; stated the first public hearing on Community Needs was held on October 6, 2014. Ms. Conyers concluded that the Consolidated Plan/Annual Action Plan must be electronically submitted to the Department of Housing and Urban Development (HUD) by May 15.

Mayor Bell opened the public hearing and stated there were speakers to the item.

Edythe Thompson, representing Re-Build Durham Inc. located at 2634 Durham Chapel Hill Boulevard in Durham; commended staff for their efforts in the difficult and tedious job of identifying the impediments to fair housing in the City and County of Durham; stated she had read the documents and conclusions and agreed that the overarching message was the need for affordable housing both in and outside the city limits; as a twenty-five year Civil Rights Advocate focusing on Housing and the former Housing Chair of the NAACP's National Board of Directors, she was very familiar with the process being undertaken and the anticipated outcomes. Re-Build Durham had stood steadfast in its mission to provide affordable housing options to elderly residents, disabled individuals and returning veterans; stated the organization's goals were strategically aligned with AI and the City's Consolidated Plan; pledged support toward assisting the City in reaching the goals of increasing access to affordable housing in and outside Durham; educating the community on the protections and rights associated with the Fair Housing/Fair Lending laws; and working with the City to lessen the unintended impacts associated with efforts to eliminate concentrations of areas of poverty and lack of opportunity; summarized that Rebuild Durham joined the City in its obligation to Affirmatively Further Fair Housing by dedicating its time and resources to assist in the mission of fair housing education, equal opportunity and neighborhood stabilization.

Rebecca Harvard Barnes, representing Habitat for Humanity of Durham, stated her organization was proud to be an affordable housing agency and City partner; recognized the fact that since the Mayor declared the fight against poverty last February, eleven homes had been sold within three blocks of Joe's Diner area in Driver Street-Angier Avenue corridor; indicated that ten homes were currently under construction in the area; stated that the organization would like to do more; and emphasized that the City's Neighborhood Small Projects and Neighborhood Revitalization Fund would assist Habitat's efforts.

Mayor Bell inquired about the number of residents from North East/Central Durham who were occupants of the Habitat homes.

Ms. Barnes responded that the first two homes ever built in Durham were on Angier Avenue; verified that of the last ten homes constructed in the Angier Avenue corridor, within three miles of Joe's Diner, three of the residents were from North East/Central Durham; and stated that additional support would help make this happen.

Council Member Catotti requested clarification on the recommended amounts of funding as referenced on Page 4, #9, Attachment 8(F), Items #19-21; inquired about the amounts requested, recommended and notes; asked for clarification on the recommended amount of funding; stated that for DCLT, no funding was recommended; for Habitat for Humanity, between 20 & 21, fully

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funded for the acquisition of construction rehab for eleven lots; for 21, not quite half was being recommended for second mortgage loans and acquisitions; and inquired about the number of second mortgages and lots the funding would cover.

Community Development Director Reginald Johnson responded that the information in the notes corresponded to second mortgages for twenty units and acquisitions for ten lots; elaborated on the comments from the reviewers of the applications; referenced two issues: concerns about shifting funds between land banks and that of capacity; and added that with all that the City was awarding them, there was a capacity challenge.

Council Member Catotti asked if the twenty second-mortgages corresponded to the twenty lots or were the mortgages going toward other lots that had already been purchased and/or were under construction.

Community Development Director Johnson stated that Habitat for Humanity identified the lots; and that funds could be applied to lots currently under construction.

Council Member Catotti understood the capacity concerns; and for the number of lots, that made sense; if these were second mortgage loans, she did not want the City to be behind the curve and requested staff to keep her apprised.

Community Development Director Johnson replied that the activity was consistent with the work Habitat for Humanity had been doing and was not an overly ambitious or underestimated number.

City Manager Bonfield stated that there was funding available in the current cycle that was contributing to those.

Council Member Schewel expressed appreciation for the Director's responses to his emailed questions; and requested information on the Runaway and Homeless Youth program.

Community Development Director Johnson summarized that in 2010, the City received funding for federal homeless and runaway youth programming; stated that a local organization was awarded the funds but was not able to obtain the proper licenses; therefore, the organization could not receive the funds and never became operational.

Council Member Schewel inquired about the future availability of such funds.

Community Development Director Johnson stated he would research future availability, programming and would follow-up.

Council Member Schewel referenced a chart on Page 85 and requested clarification on the number of workers versus the number of jobs based in US Census data.

Community Development Director Johnson deferred to consultant, Walter J. Haglund, of Urban Design Ventures for response.

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Mr. Haglund stated there were more jobs than workers in Durham; confirmed that there were large employers in Durham and that many workers were coming from outside the city and county into the City for employment.

City Manager Bonfield confirmed there was an inward migration for jobs.

Council Member Schewel expressed skepticism regarding the statistics; and stated he would appreciate the Office of Economic and Workforce Development assessing the figures and comment at some point.

Council Member Schewel stated there was little mention in the Continuum of Care (COC) of the Durham Rescue Mission.

Community Development Director Johnson responded that the Durham Rescue Mission was in the COC; explained that the COC was comprised of many organizations involved with working to end homelessness in Durham; stated the COC's lead policy-making body was Durham Homeless Services Advisory Committee; noted that the applicant was the Community Development Department who was tasked by HUD to prepare the collaborative application for submittal; Community Development had to report all work regardless of funding sources impacting homelessness; if private monies, such as those used in the Rescue Mission, were used that impact homelessness, the organization needed to register with the HMIS; however, the director of the Rescue Mission had chosen not to be involved; when evaluated by HUD, the omission did not bode well for the collaborative application; and stated that staff had tried to get the Rescue Mission to join the HMIS (Homeless Management Information Systems) data system but had been unsuccessful.

Mayor Bell responded that he was not certain what was behind non-participation of the Rescue Mission in the HMIS system; and emphasized that Reverend Mills was doing a great job.

Council Member Schewel inquired about the in-depth review of mortgage lending practices on Page 8; and asked if Director Johnson could describe about what he would like to have happen.

Community Development Director Johnson suggested that the City engage in services of an outside independent consultant agency or private research firm to conduct an in-depth review of mortgage lending practices by mortgage lending institutions; stated that funding would be required for such a study; and indicated his department was not requesting funding for a study of this nature.

Mr. Haglund spoke to his review of the Home Mortgage Disclosure Act by stating there appeared to be a discrepancy in the amount of loans generated and approved based on race; that to understand the data and to see if there was a pattern of discrimination, that it would be necessary to conduct interviews and testing; and suggested the department contact local university graduate students to conduct a relevant project.

City Manager Bonfield suggested that conversations be conducted with staff in Fair Housing and in Human Relations rather than Community Development.

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Council Member Schewel expressed appreciation for Director Johnson's thorough report; was glad to see rental rehabilitation as a prominent strategy; stated staff had done great job with rental rehabilitation projects with the dedicated housing funding source; requested that future opportunities be sought out.

Council Member Schewel stated he had been interviewed by the consultant as the liaison to the Housing Authority; after reading the report, he stated that for the record, the Housing Trust Fund was an idea, not a policy; in response to the printed information, indicated that he was not requesting a change in this section of the report; and expressed appreciation for the report.

Mayor Pro-Tempore Cole-McFadden inquired if there was a location in the Neighborhood Development Department that housed all applications for monies; stated she was interested in knowing if there were new applicants for monies rather than the usual entities; and if applicants had been rejected, stated it would be helpful to find out who they were and how to instruct them to improve their applications; and requested that Mr. Johnson notify her of future workshops so that new persons could be recruited to assist or attend; and inquired if it was as difficult to get dedicated funding housing monies compared to CDBG funds.

Community Development Director Johnson confirmed that applicants' files were retained in-house and purged five-years after close-out; verified that there would be future technical assistance workshops on the entitlement side and the COC; and expressed support in partnering new applicants with experienced lenders in the HUD pipeline.

Mayor Bell asked for clarification on the totals for CDBG, HOME, ESG and HOPWA funds awarded from FY2014-15 to FY2015-16, which Ms. Conyers responded to.

Mayor Bell stated that Durham's allocations, over the years, had been favorable; and City Manager Bonfield concurred.

Council Member Catotti requested the previously mentioned financial data regarding funds awarded to the City be provided in table-format to Council.

Being no additional speakers to the item, Mayor Bell closed the public hearing.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Davis, to receive the public comments and to approve the Draft 2015-2020 Consolidated Plan/2015-2016 Annual Action Plan and Analysis of Impediments for submission to the U.S. Department of Housing and Urban Development;

To authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Annual Action Plan to include all CDBG, HOME, ESG and HOPWA program agreements and related documents;

To adopt the City of Durham/U.S. Department of Housing and Urban Development Community Development Block Grant Project Ordinance in the amount of \$2,226,378.00;

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To adopt the City of Durham/U.S. Department of Housing and Urban Development HOME Investment Partnership Program Grant Project Ordinance in the amount of \$1,250,377.00;

To adopt the City of Durham/U.S. Department of Housing and Urban Development Emergency Housing Solutions Grant Project Ordinance in the amount of \$160,046.00; and

To adopt the City of Durham/U.S. Department of Housing and Urban Development Opportunities for People with AIDS (HOPWA) Grant Project Ordinance in the amount of \$282,206.00 was approved at 7:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

ORDINANCE #14730; #14731; #14732 & #14733

SUBJECT: ZONING MAP CHANGE - SUTTON STATION (Z1400025)

Assistant Planning Director Young gave the following presentation stating that zoning case Z1400025, Sutton Station, was a request to change the zoning designation of 15.94 acres located at 5800 Fayetteville Road from the existing zoning map designation of Office Institutional to Mixed-Use with a development plan. If approved, the request would not allow for any increased building square footage on-site but would permit additional retail uses, as the current zoning map designation restricted additional retail uses. The development plan associated with the request included commitments greater than ordinance standards. A summary of the commitments included provision of a bus stop or shelter, landscape design guidelines, limitation of additional vehicle trips, committed uses, and pedestrian connection improvements in addition to other graphic and text commitments included in the staff report with the item. Staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances and the Planning Commission recommended approval on February 10, 2015 by a vote of 12-0.

Mayor Bell opened the public hearing.

Ron Horvath, applicant and representative of Horvath Associates, stated the new development represented mixed-use project with retail, office and residential; and responding to Bicycle and Pedestrian Advisory Commission's recommendations, stated that additional bike racks had been installed and referenced proper signage of the American Tobacco Trail.

Council Member Moffitt requested staff to comment on the Bicycle Pedestrian Advisory Commission recommendations.

Patrick Young responded to comments by the Bicycle and Pedestrian Advisory Commission, from December 23rd meeting, referencing Attachment #7 in the staff report, and believed that the recommendations had been substantially addressed by GoTriangle and Transportation staff and that condition #7 was refined to reflect the comments.

Being no additional speakers, Mayor Bell declared the public hearing closed.

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MOTION by Council Member Catotti, seconded by Council Member Moffitt, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400025 out of Office Institutional (OI) and placing same in and establishing same as Mixed Use with a development plan (MU(D)) was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

ORDINANCE #14736

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt a consistency statement as required by GS 160A-383 was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

Unified Development Ordinance Zoning Map Change
Consistency Statement
By the Durham City Council
Regarding Z1400025, Sutton Station

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action was consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action was reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1400025, Sutton Station, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the report and associated documents submitted to the City Council and the information provided through the public hearing.

**SUBJECT: COMPREHENSIVE PLAN AMENDMENT – HAMILTON CENTER II
(A1400006)**

Assistant Planning Director Young gave the following presentation stating the applicant was Horvath Associates, P.A.; noted the location was 7010 NC Highway 751, in the southwest

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quadrant of intersection with NC Highway 54; stated the request was to change a 5.02-acre parcel from Office to Commercial; indicated that staff recommended approval, based on compliance with the four criteria for plan amendments identified in the Durham Unified Development Ordinance; and concluded the Planning Commission recommended approval on a 12-0 vote at its February 10, 2015 meeting.

Mayor Bell opened the public hearing.

Ron Horvath, applicant and representative of Horvath Associates, indicated he was available to answer Council's questions.

Being no additional speakers to the item, Mayor Bell declared the public hearing closed.

MOTION by Council Member Moffitt, seconded by Council Member Schewel, to adopt a Resolution to change the Future Land Use Map of the Durham Comprehensive Plan from Office to Commercial was approved at 8:02 by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

RESOLUTION #9923

SUBJECT: ZONING MAP CHANGE - HAMILTON CENTER II (Z1400021)

Assistant Planning Director Young gave the following presentation referencing the zoning case of Hamilton Center II (Z1400021) was the companion zoning map change case to the previous plan amendment case; requested change to the zoning designation of 5.02 acres located at 7010 NC 751 Highway, from Office Institutional to Commercial General with a development plan to allow up to 40,000 square feet of retail and restaurant uses; stated the case was similar to the Sutton Station case heard prior; noted that the parcel was a developed site; stated that if the case was approved, it would allow retail development at a site currently limited to primarily office and institutional uses; elaborated that the development plan associated with the request included several commitments in excess of ordinance standards, including a commitment to construct a concrete pad/bus shelter if required by DATA or TTA at the time of site plan; added that staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances and Planning Commission recommended approval on February 10, 2015 by a vote of 12-0.

Mayor Bell opened the public hearing.

Ron Horvath, applicant and representative of Horvath Associates, stated that the total square footage of buildings exceeded allowances in Neighborhood Commercial so the category was revised to General Commercial; that a limit existed to fifty-percent mark on retail and the remainder had to be office; noted that what was missing was residential; and asked for Council's support of the item.

Being no additional speakers to the item, Mayor Bell declared the public hearing closed.

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MOTION by Council Member Moffitt, seconded by Council Member Schewel, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400021 out of Office Institutional (OI) and placing same in and establishing same as Commercial General with a development plan (CG(D)) was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

ORDINANCE #14737

MOTION by Council Member Moffitt, seconded by Council Member Catotti, to adopt a consistency statement as required by GS 160A-383 was approved at 8:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

Unified Development Ordinance
Zoning Map Change Consistency Statement
By the Durham City Council
Regarding Z1400021, Hamilton Center II

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to approve a statement describing whether or not the action was consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to provide a brief statement indicating whether or not the action was reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1400021, Hamilton Center II, is based upon review of the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the staff report and associated documents submitted to the City Council and the information provided through the public hearing.

SUBJECT: COMPREHENSIVE PLAN AMENDMENT – HIGHWAY 54 RESIDENTIAL (A1400005)

Assistant Planning Director Young gave the following presentation by introducing the Comprehensive Plan case as Highway 54 Residential, A1400005; the applicant was Hopper

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Communities (J. Bart Hopper, President); the location was 1413, 1429, 1431, and 1501 East NC Highway 54, along the north side of NC Highway 54 at its intersection with Revere Road; the request was to change 21.72 acres (4 parcels) from its current FLUM designation of Office to Medium-High Density Residential; stated that staff recommended approval, based on compliance with the four criteria for Plan amendments found in the Durham UDO; and concluded that Planning Commission recommended approval on a 12-0 vote at its February 10, 2015 meeting.

Mayor Bell opened the public hearing.

Mayor Bell expressed concerns regarding the proliferation of apartments along Highway 54; requested comments by the Planning staff for their supporting rationale; and inquired about the potential widening of Highway 54.

Mr. Young acknowledged key concerns regarding the volume and level of service of traffic; stated there was a companion zoning map case that made several accommodations to reflect additional right-of-way dedication to try to ensure that that condition could be mitigated through the improvement of Highway 54 in the future; stated that another issue looked at in the staff report was that there was less demand for office and higher demand for multi-family/residential than had been anticipated when the *Comprehensive Plan* was formulated; and as long as the transportation impacts could be mitigated, that the higher demand for multi-family residential was supportable due to access to transportation and provisions for shopping and employment.

Bill Judge, Transportation Engineer, concurred with Mr. Young's comments; referenced the companion zoning case that there was a slight decrease in potential traffic generation from office to multi-family; acknowledged that Highway 54 had capacity issues; and stated there was an associated future TIP project but currently it was not in the draft to widen this area, and stated it could be a number of years until the project was completed.

Mayor Bell spoke to approved projects along Highway 54 in various stages of development; and inquired how traffic would be taken into consideration, upon completion of the projects, when Highway 54 had not yet been widened.

Mr. Judge responded that the applicant had prepared a traffic impact analysis as a portion of the rezoning request; stated the analysis detailed peak-hour traffic impact at adjacent intersections; documented that the intersections could function at adequate level of service at peak hours; and noted that staff had considered the approved developments across from and adjacent to the site.

Mayor Bell inquired if staff would postpone development until Highway 54 was widened.

Mr. Young responded that the *Comprehensive Plan* had explicit language regarding capacity issues on NC 54; verified that the most recent developments brought the level of traffic close to the threshold that would require staff to deny cases; and unless there was a change in policy, the threshold would be reached in the near future.

Mayor Bell inquired about the wooded areas that would be transformed by development; and was the environment being taken into consideration.

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Mr. Young responded that the ordinance had stringent requirements for tree preservation, buffers, storm water treatment and other requirements that mitigated environmental impact; and stated that there were site development regulations that ensured efforts to offset impacts.

Mayor Bell requested an update on projects that had been approved for development.

Mr. Young acknowledged that the developers along Highway 54 who had received zoning approvals were coming in for site plans approvals; noted that some parcels had been graded; and stated if market conditions were sustained, staff had good reason to believe projects would be moving forward in the near future.

Mayor Bell inquired about the construction timeframe from the point of zoning.

Mr. Young verified that once a parcel was zoned, that the zoning stayed with the land for perpetuity; stated that developers had four years to begin construction from the point of site plan approval; and added that routinely, building permitting had to stay active every six months to ensure projects were progressing.

Jarrold Edens, representing Hopper Communities, spoke to the land use amendment and zoning case; stated that the proposed density was appropriate due to the parcel's proximity to I-40 and Southpoint; indicated there was a bus route along property and that a traffic study had been performed; stated he was aware of a pending TIP project that could ultimately widen Highway 54; noted that future Madry development parcel would require the developers, in essence, to widen Highway 54 from the property to Barbee Road; noted a bike lane would be included along Highway 54; mentioned a neighborhood meeting that was held indicated no opposition; and proffered a \$21,500 donation to Durham Public Schools, \$500 per student, paid prior to first final plat.

Council Member Schewel acknowledged the traffic issues and appreciated the developer's proffer to Durham Public Schools; and stated that the City needed options to help mitigate the traffic situation.

Being no additional speakers to the item, Mayor Bell declared the public hearing closed.

MOTION by Council Member Moffitt, seconded by Council Member Schewel, to adopt a Resolution to change the Future Land Use Map of the Durham Comprehensive Plan from Office to Medium-High Density Residential (8-20 DU/Acre) was approved at 8:17 p.m. by the following vote: Ayes: Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: Mayor Bell. Excused Absence: Council Member Brown.

RESOLUTION #9922

SUBJECT: ZONING MAP CHANGE - HIGHWAY 54 RESIDENTIAL (Z1400018)

Assistant Planning Director Young gave the following presentation by introducing zoning case Z1400018, Highway 54 Residential, that was the companion request to change the zoning

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designation of 21.72 acres located at 1413-1501 NC 54 Highway, north side of NC 54 at Revere Road, from Residential Suburban - 20, Office Institutional, and Office Institutional with a development plan to Residential Suburban – Multifamily with a development plan for 320 multi-family residential units; stated the site was within the F/J-B Watershed protection overlay and the Major Transportation Corridor Overlay.

Mr. Young stated the development plan associated with the request included commitments for provision of transit-related improvements, housing type (apartments or townhouses), dedication of right-of-way along NC 54 Highway, additional asphalt along NC 54 Highway and Barbee Road for a bicycle lane, and roadway improvements at the site entrances along NC 54 Highway, along with other commitments; stated the proffer made (\$21,500 to the Durham Public Schools) from the previous item be incorporated into this item; indicated that staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and added that the Planning Commission recommended approval on February 10, 2015 by a vote of 12-0.

Mayor Bell opened the public hearing.

Being no speakers to the item, Mayor Bell declared the public hearing closed.

MOTION by Council Member Moffitt, seconded by Council Member Catotti, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400018 out of Residential Suburban – 20 (RS-20), Office Institutional (OI), and Office Institutional with a development plan (OI(D)) and placing same in and establishing same as Residential Suburban – Multifamily with a development plan (RS-M(D)); in addition the applicant proffered \$21,500 to the Durham Public Schools was approved at 8:18 p.m. by the following vote: Ayes: Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: Mayor Bell. Excused Absence: Council Member Brown.

ORDINANCE #14738

MOTION by Council Member Moffitt, seconded by Council Member Catotti, to adopt a consistency statement as required by GS 160A-383 was approved at 8:19 p.m. by the following vote: Ayes: Mayor Pro-Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: Mayor Bell. Excused Absence: Council Member Brown.

Unified Development Ordinance
Zoning Map Change Consistency Statement
By the Durham City Council
Regarding Z1400018, Highway 54 Residential

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to approve a statement describing whether or not the action was consistent with the Durham Comprehensive Plan; and

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WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to provide a brief statement indicating whether or not the action was reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1400018, Highway 54 Residential, is based upon review of the *Durham Comprehensive Plan* and any other officially adopted plan that was applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the Information provided within the staff report and associated documents submitted to the City Council and the information provided through the public hearing.

Council Member Moffitt expressed appreciation for the efficient manner in which his colleagues functioned at meetings.

There being no further business to come before the Council, the meeting was adjourned at 8:20 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk